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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,120	08/16/2000	Hong Joo Kim	HI-012	4074

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EXAMINER

ORGAD, EDAN

ART UNIT PAPER NUMBER

2684

DATE MAILED: 08/13/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.

09/639,120

Applicant(s)

KIM ET AL.

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Mooney et al (US 4,635,836).

Regarding claim 1, Mooney teaches a belt clip device for a mobile communication terminal unit (fig. 2, element 100) comprising: a terminal unit holder (fig. 2, element 155) for receiving and holding the terminal unit (fig. 2, element 165); a clamp (fig. 2, element 170) provided at the terminal unit holder at one side of the terminal unit holder and adapted to resiliently clip a belt worn by a user (col. 4, line 13) , thereby allowing the belt clip device to be mounted to the belt; and connecting means for rotatably connecting the clamp to the terminal unit holder (fig. 6 & 7, element 210).

Regarding claim 2, Mooney teaches the clamp comprises: a base portion (fig. 2, element 155) ; a panel portion (fig. 2, element 170) hingably (fig. 6, element 210) coupled at one end thereof to the base portion and spaced apart from the base portion to define a gap (see gap formed between element 170 and element 155) for receiving the belt therebetween; and a spring adapted to urge the base portion and the panel portion in such a fashion that the gap is resiliently maintained (col. 4, lines 50-62).

Regarding claim 3, Mooney teaches the clamp further comprises a stopper provided at the other end of the panel portion and adapted to prevent the clamp from being separated from the belt (fig. 2, element 165).

Regarding claim 4, Mooney teaches the clamp comprises: a base portion; and a tension panel portion connected at one end thereof to the base portion in such a fashion that it is resiliently supported by the base portion, the tension panel portion serving to resiliently clip the belt (col. 4, lines 63-67).

Regarding claim 5, Mooney teaches the clamp further comprises a stopper provided at the other end of the tension panel portion and adapted to prevent the clamp from being separated from the belt fig. 2, element 165).

Regarding claim 6, Mooney teaches connecting means comprises: a hinging member arranged between the terminal unit adapter and the clamp, the hinging member being hingably coupled to the base portion of the clamp in such a fashion that it hinges about a hinge shaft with respect to the clamp while being rotatably coupled to the terminal unit holder; and a rotating shaft for rotatably coupling the terminal unit holder to the hinging member in such a fashion that the terminal unit holder rotates about the rotating shaft with respect to the hinging member (col. 5, lines 1-32).

10. The belt clip device according to claim 9, wherein each of the rotating shaft supporting members has a recessed structure for receiving and holding one end of an associated one of the rotating shafts, the rotating shaft end being protruded from the rotating shaft holding member, and each of the rotating shafts is provided at the one end thereof with an engagement protrusion adapted to engage with a selected one of the

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engagement grooves formed at an associated one of the rotating shaft supporting members, thereby causing the terminal unit holder to be held at a position defined by the engagement groove engaged with the engagement protrusion with respect to the clamp.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney et al (US 4,635,836) in view of Ausems et al (6,434,403).

Regarding claim 7, Mooney fails to specifically disclose an angular position holding means for holding an angular position of the terminal unit holder with respect to the hinging member. However, Ausems teaches a wireless telephone that is capable to be placed at an angular position with respect to a flat surface utilizing the cover the cover of the phone. Ausems teaches that this is done by preventing the cover of the phone from rotating past a certain angle and hence allowing the cover the function as a stand for a speakerphone or other operation such as viewing the display (col. 9, lines 35-47). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ausems teachings of resting a phone at a certain angle other than flat with the surface with Mooney belt clip in order to provide the ability to have the phone at a certain angle convenient to the user.

Allowable Subject Matter

Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 8, the prior art of record fails to specifically disclose a belt clip device wherein the rotating position holding means comprises: a hole formed at a surface of the terminal unit holder facing the clamp; a spring-loaded ball received in the hole in such a fashion that it is in contact with a surface of the hinging member contacting the surface of the terminal unit holder in a state urged against the surface of the hinging member; and a plurality of engagement grooves formed at the surface of the hinging member and adapted to in order to allow the springloaded ball to be resiliently held at a desired position along a rotating circumference of the spring-loaded ball; whereby the terminal unit holder is resiliently held at an angular position corresponding to a position of the springloaded ball received in a selected one of the engagement grooves.

Regarding claim 9, the prior art of record, specifically Mooney, teaches the connecting means comprises: a cylindrical rotating shaft (fig. 6. element 205) holding member provided at one end of the clamp; a spring (element 210) received in the rotating shaft holding member. However, the prior art of record fails to specifically disclose a pair of rotating shaft supporting members formed at the terminal unit holder, **each of the rotating shaft supporting members being provided with a plurality of radially extending engagement grooves at an inner surface thereof; and a pair of rotating shafts respectively adapted to rotatably couple the**

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rotating shaft holding member to the rotating shaft supporting members and fitted in the rotating shaft holding member at opposite sides of the spring received in the rotating shaft holding member in such a fashion that they are axially slidable while being prevented from rotating with respect to the rotating shaft holding member, each of the rotating shafts being engaged with a selected one of the engagement grooves formed at an associated one of the rotating shaft supporting members.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,470,535 teaches a camming belt clip.

US 6,430,400 teaches a detachable flip cover assembly for a portable phone.

US 6,397,046 teaches hang-up cup assembly.

US 6,377,444 teaches hinged housings for electronic devices.

US 6,032,337 teaches spring loaded belt clip assembly for a communication device.

US 5,016,326 teaches belt clip.

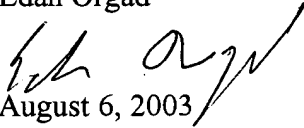
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Edan Orgad


August 6, 2003


NAY MAUNG
PRIMARY EXAMINER